

## GOVERNMENT OF ANDHRA PRADESH

### ABSTRACT

Public Services – Treasuries & Accounts Department – Sri A.Kistaiah, Senior Accountant (Retd.) – Implementation of APAT orders dated 03-11-2009 in O.A.No.11547/2009 - Sanction of full Pension, DCRG and CVP – Orders – Issued.

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### FINANCE (ADMN.I.VIG) DEPARTMENT

**G.O.Rt.No. 605**

**Dated:16-02-2010.**

**Read the following:-**

1. G.O.Ms.No.421, Finance (Admn.I) Department, dated 20-09-2003.
2. APAT orders in O.A.No.11547/2009 filed by Sri A.Kistaiah, Senior Accountant (Retd), Dated 03-11-2009.
3. Representation of Sri A.Kistaiah, Sr. Accountant (Retd.) dt.2-12-09.
4. Govt. D.O.Letter No.31544/493/A2/Admn.I/2009, dt: 03-12-2009.
5. Addl. DGP, CID, Lr.No.C.No.5753/C17/C-29/CID/1994,dt:22-12-09.
6. Govt. D.O.Letter No.31544/493/A2/Admn.I/2009, dt: 22-01-2010.
7. DTA Lr.No.D3/8200/2009,dt:27-01-2010.
8. Addl. DGP, CID, Lr.No.C.No.5753 /C-29/PCR/CID/1994, dt:10-02-10.

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### ORDER:

Government have accorded sanction of prosecution against Sri A.Kistaiah, Senior Accountant (Retd) vide G.O.Ms.No.421, Finance (Admn.I) Department, dated 20-09-2003 in connection with passing of the Diet charges bill of Social Welfare hostels over and above budget drawn by the Wardens/Matrons and there by misappropriated Government funds during 1993-94 while he was working as Senior Accountant, Sub Treasury Office, Kodakondla, Warangal District. A.Kistaiah, Senior Accountant has retired from service on 30-11-2008. In the Departmental Proceedings, he was imposed with a punishment of stoppage of three annual grade increments without cumulative effect vide G.O.Rt.No.978, Finance & Planning (FW.Admn.I) Dept, dated 01-06-1996.

2. Sri A.Kistaiah, Senior Accountant (Retd) has filed O.A.No.11547/2009 for payment of pensionary benefits i.e. gratuity, commutation value of pension (CVP) and also final pension. As on date the CID has not filed Charge Sheet against him. The Hon'ble APAT in their order dated 03-11-2009 observed as follows:

*“At the first instance Charge memo was served on the applicant on 16-12-1994 and subsequently the Government has dropped the charges on 04-04-1996 exonerating the applicant along with others from the charges. Thereafter, Government issued prosecution orders against the applicant and several others in G.O.Ms.No.440, dt: 20-09-2003. Subsequently, Government issued G.O.Rt.No.1854, dt:05-05-2005 where under orders were issued for revocation of the suspension order and thereafter the applicant was reinstated into duty and he worked as such and was allowed to retire on 30-06-2007 but he was not paid the retiral benefits though he was entitled for the same as per G.O Rt.No.1097, dt;22-06-2000. As per the said GO, only when criminal proceedings are pending against the Government employee, the retiral benefits are to be withheld. But in the present case, till today, no charge sheet is filed before the competent court though the Government has sanctioned the prosecution in the year 2003*

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*Under similar circumstances, vide Letter NO.D3/1758/2005, dated 13-04-2006, Government ordered for release of the pensionary benefits including DCRG and Commutation value of pension to one G.Kanaka Raju and in*

*the case of L.Seshagiri Rao, Government issued G.O.Rt.No.2472, dated 20-5-2009 sanctioning full pension and commuted value of pension though criminal prosecution was sanctioned against them along with applicant.*

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*In the present case, as no charge sheet has been filed as on today and as the retiral benefits were granted to similarly situated persons, the applicant is also entitled for the same benefits and, hence this O.A is allowed and the respondents are directed to pay the full pension, Gratuity and Commutation value of pension to the applicant, within a period of four weeks from the date of receipt of a copy of this order."*

3. In the reference 4<sup>th</sup> and 7<sup>th</sup> read above, the Addl. D.G.P., CID has informed that the case in Cr.No.4/95 u/s 406,409,420,468,471,477A and 120 (B) IPC of CID PS is still under investigation and charge sheet is not filed in the court against Sri A.Kistaiah, Senior Accountant (Retd). But prima facie evidence has been established against him in the course of investigation and hostel wise charges sheets have to be filed against him as soon as the investigation is completed and after completing the formalities.

4. Government after careful examination of the matter and keeping in view of the above circumstances decided to implement the orders of Hon'ble APAT in O.A.No.11547/2009 dated 03-11-2009 and accordingly hereby order to release DCRG, full pension and CVP to Sri A.Kistaiah, Senior Accountant (Retd.) without prejudice to the criminal proceedings initiated by the CID against him to avoid contempt of court.

5. The Director of Treasuries and Accounts shall take necessary further action and report compliance to the Hon'ble A.P. Administrative Tribunal immediately under intimation to the Government.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**L.V.SUBRAHMANYAM  
PRL.SECRETARY TO GOVERNMENT (FP)**

To  
Sri A.Kistaiah, Senior Accountant (Retd.) through the Director of Treasuries and Accounts, A.P, Hyderabad.  
The Director of Treasuries and Accounts, A.P., Hyderabad.  
The Accountant General, A.P., Hyderabad.  
Copy to the Govt. Pleader for Finance, A.P.A.T., Hyderabad for information.  
SF/SC

**:: FORWARDED BY ORDER::**

**SECTION OFFICER**